

From: Thomas C Bourgeois
To: Microsoft ATR
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Subject: Microsoft Settlement

To whom it may Concern:

I am the Assistant Director for Curriculum and Registration at the University of Arizona. Among my job duties is the charge to automate paper-driven processes or make those processes which are automated more efficient. Throughout my tenure I have relied on the ubiquitous presence of the personal computer to succeed at this charge, and because I work at a publicly funded university, budgetary concerns are of paramount importance in the solutions which I pursue. Because many of the institution's administrative computing resources (PCs) have Microsoft software on them when they arrive from the manufacturer, I have been a frequent user of Microsoft products. However, I have also taken full advantage of other vendors' products when they have provided an appropriate balance of value and cost. In fact many of my most successful projects have benefited from using some very high quality, non-Microsoft software which is available at no cost to the user.

I have followed the Microsoft antitrust case with some concern, especially because the Department of Justice has chosen not to break up the corporation for its anticompetitive practices. What I fear most from the result of this decision is that it will ultimately compromise my ability to do my job, because it has the very real potential to severely constrain the availability and quality of free software available for the personal computer.

Microsoft operating system products, browser products, and other software products are very successful because they are tightly integrated; that is, they work well with each other. However, over the years I have observed that these same products have tended not to work so well with other, non-Microsoft products. Performance lags, crashes, and constrained functionality are all symptoms of the interaction of Microsoft products with those developed by another vendor. In fact the dark side of this integration is evident in the recent virus attacks. Many of these attacks exploit the high degree of interoperability of Microsoft products to destroy systems and propagate this destruction to other computers.

I am a layman and cannot begin to understand the intricate details of why this might be so, but it is reasonable to conclude that such integration is only possible because developers of various Microsoft products communicate heavily with each other, and make design changes to accommodate these various products under a unified corporate strategy. As Microsoft has grown as a company, its survival has depended less and less on interoperability with the products of other vendors. Breaking up

the company would have required that communication vital to interoperability be by necessity more open. However, because Microsoft will continue to develop its various products under a single corporate identity it is critical that they be required to communicate to other vendors in the industry any design criteria which will impinge on the relative interoperability of a non-Microsoft product with a Microsoft product.

Providing the industry with a level developmental playing field, as conceived through interoperability of Microsoft and non-Microsoft products, is the only possible hope of eliminating Microsoft's anti-competitive practices. It is certainly not in the company's best interests to do this, and therefore it will be critical that such interoperability be required and enforced by any solution implemented by the Department of Justice.

As it stands, I fear that the proposed settlement falls short of providing for this level developmental playing field. The devil is in the details, as they say, and from my understanding the scope of the proposed settlement is too narrow to prevent Microsoft from using its inherent internal communication to its own advantage and to the disadvantage of those vendors who want to develop products to compete with, yet still function with, Microsoft products.

The settlement between the Department of Justice and the Microsoft corporation can only truly benefit consumers to the extent that it adequately supports the letter and spirit of free enterprise between Microsoft and its competitors, and this is only possible to the extent that Microsoft be strictly prohibited from using its market share advantage and internal communication opportunities to undermine the interoperability of other products with Microsoft products. It is my sincere hope that the Department of Justice further revises its proposed settlement to ensure the success of such prohibitions.

Sincerely,

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